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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,047	12/11/2001	Michaeldavid Uri	2067	4824

7590 10/29/2003
OLIVER D. OLSON - OLSON & OLSON
2400 S.W. 4th Avenue
Portland, OR 97201

EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 10/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,047

Applicant(s)

URI, MICHAELDAVID

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4,5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 and 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 7, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnsteiner [U.S. Patent No. 2,225,762]. Barnsteiner (figures 1-11) teaches of a towel warmer and dryer cabinet comprising: a hollow cabinet having an open front side (fig. 1) and laterally spaced side walls (11); a towel rod support frame (outer member of 24) having laterally spaced frame members positioned adjacent the lateral side walls of the cabinet (fig. 1) for supporting a towel support rod adjacent an upper end of the open front side of the cabinet; at least one towel support rod (first inner rod of member 24 closest to the open front) extending between and supported by the frame

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members adjacent an open front end of the cabinet and capable of allowing a towel to hang downwardly from the rod toward a bottom of the cabinet; and securing means (14 & 22 for example) on the cabinet side walls for mounting the support frame for movement of the at least one towel support rod through the open side of the cabinet between extended and retracted positions [the securing means allowing the frame to be manually moved i.e, horizontally slid, between the extended and retracted positions.

The cabinet inherently including means (conventional burner element not shown - but utilized within the cabinet of Barnsteiner) for supplying heated air current movement [radiant air current produced by the element] from within the cabinet and forwardly through the open front side [when the door -not shown- is open].

Allowable Subject Matter

4. Claims 3 & 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed March 13, 2003 have been fully considered but they are not persuasive. It is viewed that the prior art reference [Barnsteiner] adequately teaches applicant's claimed cabinet as stipulated above. In response to applicant's argument that the prior art is not

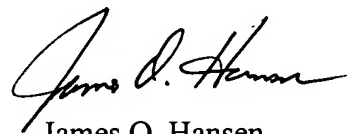
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able to support a towel on the rod, note the following: a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In response to applicant's argument that the reference fails to show "several separate components recited in applicant's claim 1", note the following: the examiner is of the position that all the claimed limitations [claim 1 e.g.,] are represented within the cited art as presently set forth, it is not clear how the prior art structure can be discounted when in fact applicant's own support frame, frame members and support rod constitute an *assembly* in as much as Barnsteiners "components" form an *assembly*. As to the remark that the frame, frame members and rod of Barnsteiner must be manipulated by hand, the examiner agrees and has stated on record that this is the case. Nothing in the claims is deemed to obviate this stated position. It is noted that contrary to applicant's assertion that the structure recited in amended para (d) affords movement of the frame between the positions, the examiner contends that the language presently utilized only sets forth that the "securing means" on the side walls permits the frame to be mounted for movement [in the prior art - viewed as allowing the frame to be supported or secured in order that movement may be possible as determined by the user].

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **The Fax number** for Official Papers is as follows: (703) 872-9306.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
October 27, 2003